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THE NEW PENOLOGY

BY THEODORE ROOSEVELT.

The progressive party in its platform, adopted in Chicago, August last, declared for "the abolition of the convict labor system; substituting a system of prison production for governmental consumption only; and the application of prisoners' earnings to the support of their dependent families."

There is a growing insistence throughout the United States upon the need for drastic changes in the handling of penal institutions. The basis of the "new penology" is justice both to the prisoner and to society. It is to the interest of both that the prisoner be secured his right to proper work, health, reasonable moral and mental training, and last, but by no means least, the right to rehabilitation so far as in him lies. Any prison system that does not give these rights fails to do its duty.

One of the most objectionable points of our present prison system is the pardoning power. The question is whether it should be in charge of a pardoning board and taken away from the governor, how such a board should be constituted, whether it should be elected or appointed by the legislature or by the governor.

In the public press of January 19th¹ last, appears an article which sets forth portions of letters from some twenty governors in answer to an inquiry made as to the said governors' experiences with the pardoning power and their recommendations. Practically without exception they advocated a board of pardons, acting either in an advisory capacity or as an actual pardoning board. In the latter case, the governor should be and always is, I think, a member of the board. The general argument of the governors is that a governor has too many important matters as the executive of the state to enable him to do full justice to the petitions for pardons and commutation of sentences. Fundamentally the matter is much more serious than the incursion upon the governor's time. The sense of justice of any community is very keen and not by any means always in proportion to the facts. Particularly sensitive are our people, as they should be,

¹ *New York Times*, Sunday, January 19, 1913.

to the apparent abuse of the pardoning power. The board of pardons should be deliberative and not hasty in its action. It would be subject to criticism and scrutiny of the people of the state from the standpoint only of this as its sole function. Such a pardoning board should be non-political and composed of men of high integrity and sound judgment.

Then comes the question of how this board shall be constituted. The experience of the Northern States is that a prison board appointed by the governor is preferable to an elected board. I believe that a prison board composed of three members, appointed by the governor, and appointing their own executive secretary and office staff, is advisable. If the right men are appointed they will give a large part of their time and thought to the matter. Of course conditions in different parts of the country differ, and on all such questions it is advisable that those who are seeking to solve the problem, should consult with men like Mr. A. J. McKelway, who have made a thorough study of the whole problem and who are well acquainted with prison systems and with legislative and administrative difficulties in the various states.

Then comes the question as to how best to employ the convicts. Undoubtedly the convict contract labor system should be abolished and the prisoners should be set to work to produce articles solely for governmental consumption. The problem of the best methods of employing convicts is different in different states. Only a careful survey of conditions in any one state would enable me to answer authoritatively this particular question. Farming and outdoor life are of course advisable throughout the country. Governor Donaghey, of Arkansas, on December 27th last, performed, in my opinion, a necessary act in pardoning some three hundred convicts in order to call attention to conditions obtaining under the lease system which were intolerable. In the southern states I know that the negro convict offers a difficult and discouraging problem. This, however, is no reason why he should be leased out. It is rather a reason why the state should particularly guard its honor by giving him such advantages as are possible under the direct administration of the state alone. The state must get away from the theory that financial profit from its prisoners is its first consideration. The protection of society is the primary purpose of imprisonment and the next purpose is reformation. The penalty must be wise and humane and the prisoner must be made,

as far as possible, to be self-supporting while in prison or under imprisonment. The state should do its own farming, conduct its own industries, pay its own men and should not take a profit from its prisoners, save in as far as they are dealt with according to the best sense of justice of the twentieth century. The state should be able to sell its products as far as possible to its own institutions and to its political sub-divisions, such as the counties, cities, towns, etc. Prisoners should receive a reasonable amount for their work and should meet their own maintenance cost out of their labor. Over and above their maintenance cost (maintenance including all expenses attendant upon running an institution or convict farm, such as salaries, wages, food, clothing, lodging, but not large improvements such as additional buildings, etc.), the surplus should be used for the prisoner or for his dependent relatives. The inability of a state to buy sufficient acreage for all its prisoners, or to conduct convict camps, or to build a prison, looks to be a very large inability only so long as the state takes profit from the sale of each prisoner to a contractor or to a lessee. If the state were absolutely prohibited from contracting or leasing out it would obviously find a way to handle its prisoners otherwise. It is all a question of emphasis and need. The state must find the money for the humane treatment of its prisoners.

At present when a man has served his term in prison he is simply turned out into the world, with his prison record barring him from honest employment and often times forcing him again into crime in order that he may live. It is highly desirable that some other plan for properly handling the discharged convict situation should be adopted. I believe the following principles to be sound:

(a) The period immediately following the prison period is the most crucial time for the convict. He is often an outcast without money and with most of his tendencies directing him toward his old associates.

(b) The state spends a considerable sum on his imprisonment; surely it can wisely spend something on his after-prison period to prevent his being again a charge on the state.

(c) The only method of keeping convicts under proper supervision is by parole, that is, conditional liberty under official supervision.

(d) The parole of negroes in the South will doubtless be attended

by greater difficulties than the parole of white men in northern states, nevertheless, I firmly believe in it.

(e) The problem of the rehabilitation of prisoners, of their decent conduct during the parole period, is peculiarly a problem to be handled by a prison association or a prisoners' aid society. Such a society should cooperate with the state in developing volunteer parole workers, probation workers, taking convicts on parole, cooperating with state parole agents, paying out in instalments to paroled men the money they have earned in prison, and in general developing this supervision. If there are dependent families of prisoners, the prisoners' aid society might well be the association through which the earnings of prisoners could be paid, or the association could work in cooperation with the poor law officials of the various counties or towns.

The fact that a prisoner can earn money while under imprisonment is the greatest incentive to right living that can be given him. A further great incentive is the indeterminate sentence whereby the prisoner earns his own way to liberty through good conduct and progress. Indeterminate sentences are found on the statutes of practically all of the more progressive states in this country.

I am a strong believer in the value of a thorough survey of prison conditions whenever a state is inclined to make radical changes in its laws. Our principal trouble in prison reform is that reforms have been patch work. The time has come, it seems to me, for thorough-going studies followed by thorough-going reform.